
Central Valley Regional Water Quality Control Board

18 November 2016

Beard's Quality Nut Company LLC

NOTICE OF APPLICABILITY AND CONFIRMATION OF ENROLLMENT UNDER ORDER R5-2013-0100, WASTE DISCHARGE REQUIREMENTS GENERAL ORDER FOR DISCHARGES FROM IRRIGATED LANDS WITHIN THE CENTRAL VALLEY REGION FOR DISCHARGERS NOT PARTICIPATING IN A THIRD-PARTY GROUP

Thank you for filing your 31 July 2015 Notice of Intent (NOI) with the Central Valley Regional Water Quality Control Board (Central Valley Water Board) requesting regulatory coverage for discharges of waste to waters of the state, under Order R5-2013-0100 Waste Discharge Requirements General Order for Discharges from Irrigated Lands within the Central Valley Region for Dischargers not Participating in a Third-party Group (Individual Order). This NOI was submitted after you received the California Water Code Section 13260 Directives to Obtain Regulatory Coverage on 9 May 2014 and a Notice of Violation issued on 30 June 2014 for failing to obtain regulatory coverage.

This letter serves as a Notice of Applicability (NOA) under the Individual Order. You are now enrolled under the Individual Order, and all requirements apply. **Monitoring in accordance with the Monitoring and Reporting Program (MRP), Attachment B to Order R5-2013-0100 must begin immediately.**

The enclosed Table 1 lists the requirements and compliance dates associated with the issuance of this Notice of Applicability; all other compliance dates described in the Individual Order also apply. Table 1 also lists the sections of the Individual Order and the MRP where specific details of the requirements can be found. All of your parcels are within High Vulnerability Areas for groundwater, which triggers the requirement to prepare, submit and implement a Management Practices Evaluation Workplan (MPEW). High vulnerability groundwater status also requires that your Nitrogen Management Plan must be certified; see MRP section IV.C.6 for certification options available to you. Table 2 lists the applicable receiving water beneficial uses and water quality trigger limits for both surface and groundwater.

You can find the Individual General Order on the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0100.pdf. You are responsible for meeting all requirements and deadlines of the Individual Order.

Central Valley Water Board records from the NOI and additional information submitted by you indicate that your agricultural operation includes 9 Stanislaus County and 4 San Joaquin County parcels, totaling 695.5 irrigated acres located on the east side of the San Joaquin River. **Please review the parcel information listed in Table 3 (attached) and provide an updated list of parcels by 9 December if there are any changes.**

On 13 January 2016, Central Valley Water Board staff conducted a field inspection on your irrigated agricultural parcels and determined there is potential for discharge to surface waters of the state during a storm event. Staff may also request to schedule additional field inspection of your parcels to evaluate the potential to discharge wastes to surface waters as necessary. Please note that you are responsible for the timely and complete submittal of reports consistent with the Individual Order's water quality monitoring requirements.

If you have questions regarding this Notice of Applicability, please contact Susan Fregien at Susan.Fregien@waterboards.ca.gov or 916-464-4813.

Original signed by

Pamela C. Creedon
Executive Officer

Enclosures: Table 1. Compliance Dates Associated with Issuance of the NOA
Table 2. Water Quality Trigger Limits and Receiving Water Beneficial Uses
Table 3. Agricultural Parcel List
Waste Discharge Requirements General Order R5-2013-0100

**TABLE 1.
EFFECTIVE COMPLIANCE DATES**

		Requirement Location in Order R5-2013-0100	
Compliance Due Date	Requirement	Order section	MRP section
9 December 2016	Submit current agricultural parcel list	VI.A	IV.B
First storm event discharge	Begin surface water quality monitoring	III.A.3	III.B.1
17 May 2017	Begin subsurface drainage (tile drain) water quality monitoring	III.A.3	III.B.3
	Begin groundwater quality monitoring	III.A.3	III.C
Based on monitoring results ¹	Submit Surface Water Action Plan (SWAP)	VI.C	IV.D
Based on monitoring results ²	Submit Groundwater Action Plan (GWAP)	VI.D	IV.E
18 November 2017 ³	Submit Farm Water Quality Plan (FWQP)	VI.B	IV.C
	Submit Nitrogen Management Plan (part of FWQP)	VI.B	IV.C
17 May 2018 ³	Submit Annual Monitoring Report (AMR)	VI.E	IV.G
18 November 2018	Submit Management Practices Evaluation Workplan (MPEW)	VI.F	III.C.2
18 November 2019 ³	Submit MPEW Progress Report	VI.G	IV.F.1
18 November 2024	Submit MPEW Final Report	VI.H	IV.F.2

¹ Must be submitted within 60 days of receipt of data or information indicating that there has been more than one exceedance of an applicable water quality objective or trigger limit or within 60 days of the Executive Officer informing the Discharger that monitoring results indicate a trend in degradation of a constituent that may threaten applicable beneficial uses.

² Must be submitted within 60 days of receipt of data or information indicating that farm discharge is causing or contributing to groundwater quality conditions that exceed applicable water quality objectives or trigger limits; or where management practices currently in use are not protective of groundwater quality based upon information contained in the management practices evaluation report. The Discharger shall also develop a GWAP if the Executive Officer determines monitoring results indicate a trend in degradation that may threaten applicable Basin Plan beneficial uses.

³ Must be updated and submitted annually.

TABLE 2.
Water Quality Trigger Limits and Receiving Water Beneficial Uses

Constituent	Trigger Limit	Applies To:			GW Beneficial Uses	SW Beneficial Uses
		GW	Tile Drainage	SW		
Ammonia	For WARM, MIGR, and SPWN, depends on pH and temperature (see (a) below). For MUN, > 1.5 mg/l			•	Municipal and domestic supply (MUN), agricultural supply (AGR), industrial service supply (IND), and industrial process supply (PROC)	San Joaquin River, mouth of Merced River to Vernalis: MUN, AGR, PROC, contact and non-contact recreation (REC), warm freshwater habitat (WARM), migration (MIGR), spawning (SPWN), and wildlife habitat (WILD)
Ammonium	n/a	•				
Bicarbonate	n/a	•				
Calcium	n/a	•				
Carbonate	n/a	•				
Chloride	> 106 mg/l	•				
Conductivity	> 700 umhos/cm	•	•	•		
Dissolved Oxygen	< 7 mg/l	•		•		
Duration of discharge	n/a		•			
<i>E. coli</i>	> 235 MPN / 100 ml			•		
Flow (volume) of discharge	n/a		•	•		
Hardness (as CaCO ₃)	n/a			•		
Magnesium	n/a	•				
Nitrate + nitrite as N	> 10 mg/l	•	•	•		
pH	< 6.5 or > 8.5	•		•		
Potassium	n/a	•				
Temperature	< 5° F increase	•		•		
Turbidity	dependent on upstream turbidity measurement (see (b) below)			•		
Sediment toxicity	< 80% organism survival					
Sediment grain size	n/a					
Sediment total organic carbon	n/a					
Sodium	> 30 mg/l	•				
Sulfate	> 250 mg/l	•				
PESTICIDES						
2,4-D	> 70 ug/l			•		
Aldicarb	> 3 ug/l			•		
Atrazine	> 1.0 ug/l	•	•	•		
Bentazon	> 18 ug/l	•	•			
Bifenthrin (biphenthrin) (d)	n/a					
Bromacil	> 70 ug/l (e); > 45 ug/l (f)	•	•			
Chlorpyrifos (d)	> 0.015 ug/l			•		
Copper, dissolved	For WARM, MIGR, and SPWN, depends on hardness (see (c) below). For MUN, >130 mg/l	•				
Cyfluthrin (d)	n/a					
Cyhalothrin, lambda (d)	n/a					
Cypermethrin (d)	n/a					
Diazinon	> 0.10 ug/l			•		
Dichlorvos	> 0.085 ug/l			•		

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

Constituent	Trigger Limit	Applies To:			GW Beneficial Uses	SW Beneficial Uses
		GW	Tile Drainage	SW		
Dimethoate	> 1.0 ug/l			•		
Disulfoton	> 0.05 ug/l			•		
Diuron	> 2.0 ug/l	•	•	•		
Esfenvalerate/Fenvalerate (d)	n/a					
Malathion	> non-detect			•		
Norflurazon	> 280 ug/l (e); > 9.7 ug/l (f)	•	•			
Oryzalin	> 15.4 ug/l			•		
Oxyfluorfen	> 20 ug/l			•		
Paraquat	> 3.2 ug/l			•		
Parathion-methyl	> non-detect			•		
Permethrin (d)	n/a					
Prometon	> 110 ug/l (e); > 98 ug/l (f)	•	•			
Prometryn	> 1.0 ug/l			•		
Propanil	> 0.5 ug/l			•		
Simazine	> 4.0 ug/l	•	•	•		
Thiobencarb	> non-detect			•		

- (a) To determine the pH and temperature dependent ammonia trigger limit, go to http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/search.shtml and search “ammonia”. Scroll down to Freshwater Aquatic Life Protection and click on “see page 17” in the Notes column. Use the criterion from this table (Continuous Concentration, 4-day average; based on the sample’s pH and temperature) to determine each sample’s ammonia trigger limit.
- (b) • Where natural turbidity is less than 1 Nephelometric Turbidity Unit (NTU), controllable factors shall not cause downstream turbidity to exceed 2
 • Where natural turbidity is between 1 and 5 NTUs, increases shall not exceed 1 NTU.
 • Where natural turbidity is between 5 and 50 NTUs, increases shall not exceed 20 percent.
 • Where natural turbidity is between 50 and 100 NTUs, increases shall not exceed 10 NTUs.
 • Where natural turbidity is greater than 100 NTUs, increases shall not exceed 10 percent.
- (c) To determine the hardness-dependent copper trigger limit, go to http://www.waterboards.ca.gov/water_issues/programs/water_quality_goals/search.shtml and search “copper”. Scroll down to Freshwater Aquatic Life Protection and click on “see page 23” in the Notes column. Use the lowest number in this table (Continuous Concentration, 4-day average; based on the sample’s hardness) to determine each sample’s copper trigger limit. For hardness less than 25 mg/l, use the formula provided in Table 23.
- (d) A sediment sample analysis for these pesticides will occur if the sediment toxicity test to *Hyalella azteca* exhibits less than 80% organism survival compared to the control sample.
- (e) Trigger limit applies to groundwater.
- (f) Trigger limit applies to tile drainage.

**TABLE 3.
AGRICULTURAL PARCEL LIST**

APN	County	East or West of San Joaquin River	Owner	Acres
009-011-013	Stanislaus	East	WELLSFORD PROPERTY LLC	10
018-004-006	Stanislaus	East		65
018-006-009	Stanislaus	East		35
018-006-012	Stanislaus	East		45
018-008-001	Stanislaus	East		30
019-005-001	Stanislaus	East	MISSOURI RANCH LLC	6
019-005-002	Stanislaus	East	MISSOURI RANCH LLC	60
080-008-013	Stanislaus	East	GEER RD RANCH LLC	35
080-008-014	Stanislaus	East	GEER RD RANCH LLC	40
247-220-14	San Joaquin	East		15
247-240-01	San Joaquin	East		3
247-240-17	San Joaquin	East	BURWOOD RANCH LLC	1.5
247-250-21	San Joaquin	East	ROBERSON RANCH DEVELOPMENT LLC	350
13 parcels			TOTAL ACRES	695.5